



JEFF FITZGERALD

SPEAKER of the WISCONSIN ASSEMBLY

TO: Assembly Committee on Elections and Campaign Reform
FROM: Speaker Jeff Fitzgerald

DATE: February 9, 2012

RE: Testimony on Assembly Bill 441 - Recall Petition Fraud Prevention Act

Thank you Chairman Tauchen, Vice Chairman Bernier, and members of the committee for providing me with the opportunity to testify before you today.

Reports in the news media have made it clear that some individuals have been abusing the recall process by signing multiple recall petitions with the intent of fraudulently inflating the number of signatures on the petitions. In fact one recall supporter claiming to have signed more than 80 petitions was recorded on camera stating, "Yeah. They cheated for Bush, so hey, I'm going to cheat to get Scott Walker out of here." Additionally, partisan political groups have actively encouraged recall supporters to sign multiple petitions.

Rather than clarifying that such activities constitute fraud, the Government Accountability Board (GAB) has muddied the waters creating a great deal of confusion on the subject.

In order to bring clarity to this issue, I have introduced Assembly Bill 441 (AB 441) to achieve the following:

1. It will be unlawful to sign the same recall petition during a single circulation period more than once. The penalty for signing multiple petitions will be a Class I felony. This is consistent with Wisconsin's current penalties for other comparable forms of election fraud. Please note that as is the case with other crimes, the burden to prove criminal intent rests with the state. This means that it is unlikely that an individual accidentally signing two petitions would be guilty of this offense while someone signing several petitions would clearly be guilty of a felony.
2. In cases where an individual is alleged to have violated this prohibition and the local district attorney's office fails to act, any resident of the state may make a request to the Attorney General to investigate and prosecute the alleged violation. The Attorney General will then have the authority to investigate and prosecute these violations at their discretion.

3. Moving forward, every recall petition shall include language specifying that it is unlawful to sign a recall petition more than once.

Since Wisconsin statutes place the burden for challenging duplicative or fraudulent signatures on the office holder and grant an extremely small window for review, it is vital that the legislature act to prevent such fraud from occurring in the first place.

Free and fair elections are the first pillar of our Democracy. Individuals seeking to rob others of their right to honest elections warrant a felony charge and should be prosecuted to the fullest extent of the law.



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February 8, 2012

To: Assembly Committee on Election and Campaign Reform

From: League of Women Voters of Wisconsin Education Network

Re: Opposition to Assembly Bill 441

The League opposes AB 441, which would criminalize behavior that may be unintentional or may represent an effort by a voter to ensure his/her signature is counted. In today's complex political environment with nomination papers, recall petitions and advocacy petitions being circulated seemingly year-round, many people might not remember whether they have already signed a particular petition, or they might be confused as to which petition they signed. There have also been allegations of people destroying petitions that already had signatures on them. A petitioner may be concerned his/her signature was lost that way or that it might not get counted because the circulator was an imposter; if so, they should have the right to sign again.

The right of the people to recall an elected state official is protected by the Wisconsin Constitution. Indeed, a consequence of being elected to state office is that you could be the subject of a recall effort. Appropriately, the recall process has been a rare occurrence because it requires a very large number of signatures. Opponents of a recall have the right to review those signatures with a fine tooth comb and challenge their validity.

Duplicate names are at most a nuisance, and they are very easily sorted out. Both campaigns have an incentive not to have duplicate names. This bill would give benefit to the one being challenged, at the possible expense of the citizen's right to participate. There is no need to criminalize behavior that occurs very infrequently and causes no harm.

We urge you to oppose AB 441. Thank you.